

**MINUTES
of the
THIRD MEETING
of the
WATER AND NATURAL RESOURCES COMMITTEE**

**August 1-3, 2011
Silver City**

The third meeting of the Water and Natural Resources Committee was called to order by Senator Phil A. Griego, chair, at 9:10 a.m. on Monday, August 1, 2011, in the Silver City Business Center in Silver City.

Present

Sen. Phil A. Griego, Chair
Rep. Joseph Cervantes, Vice Chair
Rep. Paul C. Bandy
Rep. Ray Begaye
Sen. Mary Jane M. Garcia (Aug. 1)
Rep. William "Bill" J. Gray
Rep. Dona G. Irwin
Rep. Larry A. Larrañaga
Rep. Andy Nuñez
Sen. Gerald Ortiz y Pino
Sen. Mary Kay Papen
Sen. Sander Rue
Rep. Mimi Stewart

Advisory Members

Sen. Vernon D. Asbill
Sen. Carlos R. Cisneros
Rep. Anna M. Crook
Rep. Nora Espinoza (Aug. 1-2)
Rep. Candy Spence Ezzell
Sen. Dede Feldman
Rep. Rodolpho "Rudy" S. Martinez
Sen. Cisco McSorley
Sen. Nancy Rodriguez (Aug. 2-3)
Sen. John C. Ryan (Aug. 2)

Absent

Rep. Brian F. Egolf, Jr.
Rep. Thomas A. Garcia.
Sen. Clinton D. Harden, Jr.
Sen. George K. Munoz
Sen. Steven P. Neville
Rep. James R.J. Strickler
Rep. Don L. Tripp

Sen. Rod Adair
Sen. Timothy Z. Jennings
Rep. Ben Lujan
Rep. James Roger Madalena
Rep. Bill B. O'Neill
Rep. Henry Kiki Saavedra
Sen. Peter Wirth

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Kim Bannerman
Gordon Meeks

Jeret Fleetwood

Guests

The guest list is in the original meeting file.

Handouts

Handouts and other written testimony can be found in the meeting file and on the Legislative Council Service web site.

Monday, August 1

The committee observed a moment of silence for former Senate Chief Clerk Margaret Larragoite, who recently passed away.

James Marshall, mayor of Silver City, welcomed the committee members to Silver City and thanked them for holding a meeting in southwestern New Mexico.

Representative Martinez also thanked the committee for coming to Silver City and briefly discussed how regional municipalities are working closely with county governments on water projects.

Arizona Water Rights Settlement Act: Gila River Planning Process Status

Several individuals representing various entities involved with the planning process on the Arizona Water Rights Settlement Act updated the committee on progress so far.

Craig Roepke of the Interstate Stream Commission (ISC) began by explaining that the ISC had adopted criteria for Tier 1 and 2 evaluations of applications for using the water and funding available to New Mexico through the Arizona Water Settlements Act of 2004, as well as a schedule for evaluations and final assessments. Mr. Roepke also noted that the criteria had been simplified at the request of stakeholders, with some of the more contentious criteria being removed altogether. He also addressed some of the concerns expressed by various groups and individuals regarding the proposal evaluation and eventual selection process, explaining that while a number of complaints have been made regarding the transparency of the evaluation process, including demands for public presence at deliberations of the evaluation panel, the process adopted by the ISC is similar to that used by New Mexico's Water Trust Board and the United States Economic Development Administration. Mr. Roepke noted that public presence at evaluation panel deliberations can serve to taint the process by making evaluations into popularity contests instead of judging applications solely on merit. He also pointed out that an independent observer, chosen by stakeholder consensus, is present for all deliberations. Finally, Mr. Roepke emphasized that the ISC will arrive at any decision only in an open public meeting with ample opportunity for public and stakeholder comments.

Vance Lee of the Gila-San Francisco Water Commission explained that the commission

is committed to developing the available water resources and using the money available in the settlement to do so. He noted that any use of the water and money should benefit the residents of the area. Mr. Lee also indicated that the commission is reviewing the process as it moves forward and that the commission is still fulfilling its role in consulting on the process. Finally, he provided the committee with pictures of the Gila River, noting that it has been mostly dry for the past two months, pointing out that July had record lows in precipitation and flow.

Allyson Siwik, executive director of the Gila Conservation Coalition, provided the committee with testimony regarding the stance of the coalition. She explained that while the coalition supports a balanced, fair and financially responsible approach to decision-making, Gila River water is not really needed to satisfy the water demands of the area. Instead, Ms. Siwik noted that water needs can be met cost-effectively through conservation and sustainable ground water use. Finally, she emphasized that the Arizona settlement offers a choice, rather than a mandate that New Mexico must pursue some kind of diversion project on the Gila River.

Martha Cooper, co-chair, Arizona Water Settlements Act Stakeholder Group, and field representative, The Nature Conservancy (TNC), provided the committee with a brief overview of the involvement of TNC in maintaining the natural heritage of the Gila River. She went on to explain that while TNC appreciates the stakeholder input and review process adopted by the ISC, critical decisions have yet to be made. Ms. Cooper indicated that TNC is asking for the ISC to recognize the power of a science-based and collaborative approach by developing a transparent process that includes continued input from stakeholders for design, selection and implementation of Arizona Water Settlement Act projects.

Topper Thorpe, co-chair, Arizona Water Settlements Act Stakeholder Group, and member, Gila Basin Irrigation Commission (GBIC), explained to the committee that the GBIC strongly believes that the settlement is about water, specifically the ability to develop an additional 14,000 acre-feet of water in southwestern New Mexico. He noted that while there are those who contend that there is enough water in the area to make the additional water unnecessary and that nothing should be done to change the "last free-flowing river" in the country, many of those people do not live on the river and do not depend upon it to irrigate agricultural land and raise livestock, nor do they face the devastation that comes with periodic flooding on the river.

Questions and comments from committee members included:

- the first \$66 million from the settlement requires no further action;
- other free-flowing rivers in the region could include the Animas and San Francisco rivers;
- the process for evaluating Tier 1 and Tier 2 criteria;
- that costs of many water projects exceed \$66 million or even \$128 million;
- the method of calculating flows on the Gila River as they enter Arizona;
- that special interest groups from elsewhere appear to be weighing in on a process that should primarily involve stakeholders; and

- an agreement does not yet exist between stakeholders.

Senator Griego opened up the committee to public comment.

David Ogilvie testified that this is a once-in-a-lifetime opportunity for New Mexico and that developing some kind of flood control would be helpful, since roads and bridges in the area are now subject to damage from Gila River flooding.

Darrell Allred testified that much of the issue is about maintaining water rights, and that much of the data used in the 1960s adjudications are flawed. He also noted that the beneficial user of water is the one entitled to it.

Beth Bardwell testified that there is a need to balance the uses for funding that come to New Mexico from the settlement. She questioned where the state will come up with the additional money necessary to fund a large-scale water project.

Hugh McKeen testified that stakeholders do a good job of looking out for their group's interests. He also noted that wherever he has seen dams and lakes, he has also seen prosperity. Mr. McKeen also pointed out that many of the tributaries of the San Francisco River are dried up and that the watershed is in need of better management.

Mike Cuff testified that the Cliff Gila Farm Bureau strongly supports anything to use the additional water resources available.

Anthony Gutierrez explained that he is a planner for Grant County and would like some representation on the evaluation panel.

Donna Stevens explained that she is from the Upper Gila Watershed Alliance and that there is no demonstrated need for extra water. Instead, she suggested that conservation could help yield additional water resources.

The committee directed staff to draft a letter to the ISC requesting it to produce a list of recommendations for Arizona Water Settlement Act projects seven months earlier than initially planned in order to allow the legislature to provide input.

The minutes of the June 30, 2011 meeting were approved as submitted.

Indian Water Rights Settlement Fund and Other Federal/State Cost-Sharing Projects

Estevan Lopez, director of the ISC, and John D'Antonio, state engineer, provided the committee with an update on the three main Indian water rights settlements involving the state: the Navajo settlement, Aamodt adjudication and Taos Pueblo settlement. Mr. Lopez and Mr. D'Antonio began by providing background on the Navajo settlement, including its history, projected costs and funds dedicated to date by the state. They also discussed the settlement's

time line, noting that the most recent activity involved execution of a cost-sharing agreement between the state and federal government on June 27, 2011. Mr. Lopez and Mr. D'Antonio also noted that implementation of the settlement and construction of the project will begin in earnest in 2012.

Mr. Lopez and Mr. D'Antonio went on to discuss the Aamodt adjudication, again providing the committee with background costs and a time line. They noted that the settlement agreement signed in 2006 by the involved entities and the federal legislation signed into law by President Obama in December 2010 have some differences between them, and that the settlement parties are currently tasked with editing the settlement agreement to conform it to the legislation. Also, Mr. Lopez and Mr. D'Antonio explained that a number of public settlement implementation meetings are scheduled through October as work continues toward finalizing the settlement.

Finally, Mr. Lopez and Mr. D'Antonio discussed the Taos Pueblo settlement, offering the same background, costs and time line as the other two settlements. They explained that federal legislation approving the settlement was also signed into law in December 2010 and that settlement implementation meetings have been under way all year.

Questions and comments from committee members included:

- funding set aside in the Navajo settlement for non-Indian users is available for acequias, irrigation districts and similar entities;
- the importance of leveraging most of the project funding from the federal government;
- the consequences of not completing the settlement include costly and time-consuming litigation;
- that treatment of water system and pipeline water is planned; and
- potential methods of appropriating funding for the various settlement projects.

Mr. Lopez and Mr. D'Antonio also provided the committee with a brief update on the Eastern New Mexico Rural Water System, explaining that legislation has already been signed into law and that agreements and funding are already in place. They went on to note that advertising, bidding and construction of phase one of the project will take place over the next two years.

Questions and comments from committee members included:

- ISC contracts with area landowners for water usage;
- that the project should provide enough water for the land currently being farmed in the region;
- that water rights in the area have not yet been fully adjudicated; and
- that ground water pumping by New Mexico water users probably has more effect on available water resources than pumping by Texas water users.

Sacramento Watershed Hydrographic Study

B. Talon Newton, hydrogeologist, New Mexico Institute of Mining and Technology, and Bill Mershon and Rick Baish, supervisors for the Otero Soil and Water Conservation District, provided the committee with an update on the hydrographic study of the Sacramento watershed. They began by providing the committee with various maps detailing the interconnected nature of ground water tables and geologic formations, as well as maps showing how much of the overall geologic mapping program has been completed and what areas are still in progress. Mr. Newton, Mr. Mershon and Mr. Baish pointed out that most of the geologic mapping project has been completed, but that it is really only part of the larger New Mexico state map project.

Lower Rio Grande Update — 2008 Operating Agreement and Adjudication Issues

Mr. Lopez and Mr. D'Antonio provided the committee with testimony regarding issues associated with adjudications of the lower Rio Grande and stream system issues that have arisen recently, mostly due to an agreement entered into between the Elephant Butte Irrigation District (EBID) and El Paso Irrigation District Number One (EP #1) involving compact water delivery amounts. Mr. D'Antonio provided the committee with a brief history leading up to the agreement. He went on to outline the agreement, which basically involves delivery of increased surface flows to Texas in exchange for the ability of EBID irrigators to increase ground water pumping. The increased flows in 2011 consist mostly of compact delivery credit water accumulated by New Mexico over the past several years but will later involve delivery of increased surface flows to Texas. Mr. D'Antonio pointed out that neither the Office of the State Engineer (OSE) nor the state of Texas has signed off on the agreement, but that the United States Bureau of Reclamation (BOR) has. He went on to raise a number of concerns regarding the agreement between the EBID and EP #1, including that it significantly alters the federally funded Rio Grande project, which divides water among New Mexico, Texas and Mexico.

Samantha Barncastle, counsel for the EBID, indicated that the agreement does not require the approval of New Mexico or Texas. She also indicated that the agreement is really a compromise between irrigation districts that helps avert litigation that would likely prove costly to all of the parties involved. Ms. Barncastle went on to address the concerns raised over the agreement's impact on the Rio Grande project, pointing out that the whole matter could become a matter of state law versus federal law, upon which the courts would ultimately have to decide.

Phil King, Ph.D., also of the EBID, stated that both the EBID and OSE are talking past one another, but did suggest that the numbers provided by Mr. D'Antonio do not provide a complete picture of the issue. He explained that credit water carries over from year to year, and that the EP #1 does have ground water storage, but instead chooses to store water in Elephant Butte Reservoir.

Filiberto Cortez, manager, El Paso Field Division, BOR, explained that it has taken over 30 years to divide water between the EBID and EP #1. He also noted that the BOR has to oversee between 51 and 78 operations, which is why most of the control over basic operations was turned over to the local districts, who have to use the past 30 years as a baseline. Mr. Cortez

went on to note that while wetter than normal years were enjoyed for several years by farmers in the region, dry years will eventually force area stakeholders to develop a workable operating agreement.

Bill Gomez, executive director, Southern Rio Grande Diversified Crop Farmers Association, explained that his association represents 700 members irrigating over 36,000 acres of land. He noted that some like the agreement while others do not. He pointed out that while wells are more expensive to own and operate, they have allowed farmers to continue irrigating in unusually dry years. However, he also noted that those who did not invest in wells have not been able to keep farming this year. Mr. Gomez emphasized that the agreement in place was negotiated mostly by farmers and that it lets most users divert a relatively equal amount of water while still allowing for some flexibility. He also acknowledged that the next few years will show whether or not it really works for everyone.

Questions and comments from committee members included:

- why some New Mexico farmers have to pay pumping costs while Texas farmers do not;
- the continued dry years will allow New Mexico farmers, who can pump ground water, to keep farming, while EP #1 farmers, who depend on surface flows, may not be able to;
- since New Mexico and Texas have not signed off on the agreement, nothing exists to prevent one state from suing another over compact deliveries;
- the EBID is not the only ground water user in the immediate area, as the City of Las Cruces and New Mexico State University (NMSU) also rely on ground water pumping;
- how the OSE tried to offer a memorandum of understanding to the EBID, but it was declined; the complex nature of water use in the region suggests that water users beyond the EBID and EP #1 are affected by the agreement;
- the agreement between districts is essentially a contract that both entities had to enter into;
- a technical committee meets annually to review the agreement and suggest changes that may improve it;
- that the agreement expires in 2015;
- the OSE still has limited authority over ground water pumping, unless it becomes federalized;
- while the agreement is basically fixed, a more detailed manual is revised each year, which allows for some changes; and
- that lower Rio Grande users in New Mexico realize they will likely have to pump water in order to deliver water to Texas.

San Augustine Plains Application to Appropriate Underground Waters

Bruce Frederick, New Mexico Environmental Law Center, attorney for protestants, and Eileen Dodds, Anita Hand-Gutierrez and Lin Kennedy, protestants, provided the committee with

testimony regarding the application submitted to the OSE for 37 wells in the area. They explained that the permit for the wells identifies a number of potential uses for the water, but they warned that approval of those permits will likely impair the ability of area farmers to pump water from their own, shallower wells, which would harm area farmers and ranchers. Some presenters also expressed concern over the financial wherewithal of the applicant, as some of the test well drillers have yet to be paid and have since ceased drilling.

Questions and comments from committee members included:

- the application is for 37 wells that are 20 inches in diameter and 3,000 feet deep, but only two 1,500-foot test wells have been drilled so far;
- OSE permits are required for wells at the proposed depth;
- concerns exist over the quality of water available at the proposed depth of the wells, which may serve as another means of preventing approval of the permit application;
- the interconnectivity of deep aquifers and the potential effects of drilling the proposed wells on nearby water systems;
- potential legal loopholes that may exist for newly discovered water, which may make denial of the well permits difficult; and
- the applicant for the well permits has indicated that pipelines can be built to transfer water to other areas of New Mexico, which raises concerns regarding inter-basin transfers.

Tuesday, August 2

Update on the Middle Rio Grande Biological Opinion

Mr. Lopez began by explaining that the middle Rio Grande consists of the area between Cochiti Lake and Elephant Butte Reservoir. He went on to note that while compact compliance is important with regard to endangered species issues, the ISC prefers not to comply at the expense of farmers.

Rolf Schmidt-Peterson of the ISC provided the committee with testimony regarding an update of the biological opinion issued regarding endangered species in the middle Rio Grande, particularly the Rio Grande silvery minnow and the southwestern willow flycatcher. He explained that the biological opinion issued in 2003 expires in 2013.

Subhas Shah, chief engineer for the Middle Rio Grande Conservancy District (MRGCD), discussed the involvement of the MRGCD in the biological opinion. He explained that while the MRGCD has helped resolve issues related to the 2003 opinion, concerns still exist over whether adequate supply exists to satisfy both endangered species issues and the demands of irrigators within the district.

Mike Hamman, Albuquerque area manager, BOR, also discussed the biological opinion, highlighting progress made to date on habitat improvements for listed species and the role that the BOR plays in consulting with stakeholders to help them address all of the demands for water

along the middle Rio Grande. He also noted that a more effective biological opinion will offer more flexibility, particularly since the 2003 opinion cannot simply be renewed.

Chuck DuMars, legal counsel for the MRGCD, acknowledged that, despite some differences, most of the entities involved in middle Rio Grande endangered species issues have the same goal in mind: protection of the species while helping farmers maintain their way of life. Mr. DuMars indicated that a new biological opinion will help stakeholders understand one another better, and that while there will be some scrutiny, the overall goal is to avoid litigation. He also acknowledged that compact deliveries will likely prove to be most important to the state as a whole, with the biological opinion being the secondary concern.

Questions and comments from committee members included:

- criteria required to remove a species from the endangered species list;
- long-term effects of the biological opinion and that resulting settlements will not be visible for another 10 years to 20 years;
- critical habitat, alternative habitat and the difficult nature of assessing the effect of unknown variables on endangered species populations;
- criteria for listing of a species as endangered in the first place;
- some species have been removed from the critical habitat list on the San Juan River, but the same thing has not happened on the Rio Grande;
- the effect of removal of non-native species on the Rio Grande on critical habitat improvements;
- the requirement of three separate populations for de-listing of a species;
- the cost to New Mexico of addressing federal Endangered Species Act of 1973 issues;
- the relationship of endangered species issues to the federal budget; and
- consequences of endangered species simply becoming extinct.

Seizure and Brand Inspection of Livestock

Myles Culbertson, executive director, New Mexico Livestock Board, and Bebo Lee, past president of the New Mexico Cattle Growers' Association, provided the committee with an update on the issues raised at a previous committee meeting regarding the increasingly unwanted horse population, explaining that the problem exists nationwide, and that the side effects of the issue include severe overgrazing of land set aside for unwanted horses and an increasing herd size.

Mr. Culbertson and Mr. Lee went on to discuss the issues associated with federal branding and seizure of livestock, providing the committee with revisions of a bill introduced during the last two legislative sessions that may help remedy the issues.

Questions and comments from committee members included:

- wild horse auctions do not necessarily draw enough buyers to lessen the available population;
- laws prohibiting the slaughter of horses in the United States have had the unintended

- consequence of dramatically increasing the number of unwanted horses;
- increased requirements for seizure of livestock as defined in the proposed bill should serve to help address the issue identified regarding federal seizure of livestock;
- costs associated with seizing cattle are significant; and
- previous efforts to address the seizure of livestock and their progress through the legislative process.

Electric Cooperatives Update

Keven J. Groenewold, executive vice president and general manager, New Mexico Rural Electric Cooperative Association; Ron Cunningham, vice president for power delivery for Western Farmers Electric Cooperative; and Joel Bladow, senior vice president for transmission for Tri-State Generation and Transmission Associations, provided the committee with an overview of the basic functions, service areas and visions for their various electric cooperatives. They began by explaining the basic differences between larger utility companies and rural electric cooperatives. Mr. Groenewold, Mr. Cunningham and Mr. Bladow went on to discuss each co-op's pursuit of various renewable energy technologies in an effort to comply with renewable energy portfolio standards while still remaining competitive in the electric utility market.

Questions and comments from committee members included:

- the overall lack of incentives for customers to install solar systems in their homes;
- the lack of programs available for solar panel users to be able to sell power back to the grid in exchange for reduced rates;
- the most electric co-ops are not required to offer renewable energy to consumers; rather, they are being proactive;
- the small scale that most rural electric cooperatives operate on makes investments in unproven renewable energy technologies difficult, which makes larger scale reliance on such technologies unlikely at this time;
- transmission of electricity from generation sites to homes is a difficult endeavor, with larger transmission projects, which may open up additional markets, being particularly difficult; and
- exploration of nuclear plants as a power source is still an option.

NMSU and New Mexico Department of Agriculture Update on Agricultural Issues in the State — Agricultural Experiment Station and Cooperative Extension Service

Jeff M. Witte, director of the New Mexico Department of Agriculture, David C. Thompson, Ph.D., associate dean and director, Agricultural Experiment Station, NMSU, and Jon C. Boren, Ph.D., associate dean and director, Cooperative Extension Service, NMSU, provided the committee with testimony regarding the background, mission and past and current projects of the various services offered by cooperative extension services through NMSU and the New Mexico Department of Agriculture.

Questions and comments from committee members included:

- while staff is available in every county, funding for specific programs is still a problem;
- programs under way in individual extension stations;
- that work performed to date by NMSU programs on non-native phreatophyte control is a daily operation;
- the provision of safe food is embedded in the missions associated with each program, which involves the federal Department of Homeland Security;
- the importance of New Mexico and other rural food producers to the economy and well being of New Mexico residents;
- chile production in New Mexico and the lack of branding of New Mexico products; and
- the hard work performed by NMSU and the U.S. Department of Agriculture in the interest in helping to expand upon the opportunities available to New Mexico's agricultural producers.

Fireworks Ban Bill

Senator Griego cautioned the committee that the bill draft offered to the committee is not being considered at the time as a committee-endorsed bill for either the upcoming special session or the regular session in 2012.

Senator Feldman provided the committee with a draft of a bill that would allow the governor and local governments to ban or restrict open fires and the sale and use of fireworks in areas affected by extreme or severe drought.

Questions and comments from committee members included:

- whether any of the recent wildfires in the area had been caused by fireworks;
- the difficulty faced by business owners who accumulate fireworks inventory only to have fireworks banned, leaving them with goods they cannot sell;
- that both the New Mexico Association of Counties and New Mexico Municipal League will consider resolutions addressing this issue in September;
- whether Fourth of July celebrations by local governments can be banned under the proposed bill;
- that proclamations issued by the governor regarding severe or extreme drought would have to be specific to regions;
- a state of emergency declaration would enable the governor to mobilize law enforcement to enforce fireworks bans;
- coordination with tribal entities; and
- why consideration of the bill is necessary during the September special session.

Wednesday, August 3

Game and Fish Update: Invasive Species, Wildlife Depredation, Off-Highway Motor Vehicles and Hunting License Changes (SB 196)

Tod Stevenson, director of the Department of Game and Fish, provided the committee with an update regarding invasive aquatic species. He explained that the department is regularly testing lakes for zebra and quagga mussels, which have infested lakes in surrounding states. Mr. Stevenson went on to note that boats are being checked at all public lakes in the state and that 30 employees have been hired for that purpose. He also indicated that a test earlier in the year at Sumner Lake was positive for quagga mussels, at which point the lake was closed. However, subsequent tests have come back negative, so the lake has been reopened.

Mr. Stevenson then discussed game depredation issues, explaining that increased numbers of deer have been reported in the Silver City area and that collisions between deer and vehicles seem to be on the rise. He also noted that predators tend to follow deer, which could mean more mountain lions in Silver City. Mr. Stevenson also discussed bear and cougar issues, as well as work with the United States Forest Service on management of the state's elk population.

Mr. Stevenson then discussed off-highway motor vehicles, explaining that the program for off-highway motor vehicle training and certification had been moved from the Tourism Department to the Department of Game and Fish. He also explained that while there are various training programs available, including classroom style and online programs, dealer coupons for free training have not been used much. Mr. Stevenson also noted that enforcement of safety laws has been stepped up, with blitzes and hotspot patrols across the state. He pointed out that patrols have shown that just over 85% of riders are compliant with safety laws.

Finally, Mr. Stevenson discussed the changes to hunting licenses required in SB 196 from the 2011 session, which changed license types and increases the percentage of hunting licenses awarded to New Mexico residents.

Possible Endangered Species Listings — Dunes Sagebrush Lizard and Lesser Prairie Chicken

Mr. Stevenson, Debbie Hughes, executive director of the New Mexico Association of Soil and Water Conservation Districts (NMACD), Steve Henke, president of the New Mexico Oil and Gas Association, and Jerry Fanning, environmental coordinator for Yates Petroleum Corporation, provided the committee with testimony regarding the possibility that the dunes sagebrush lizard and lesser prairie chicken will soon be listed as endangered species. Mr. Stevenson explained that the Department of Game and Fish is required to help the species if they are listed.

Ms. Hughes explained that the NMACD, through the Restore New Mexico Program, is working to maintain and improve the habitat for both animals. She explained that the habitat

areas are also where a significant amount of oil and gas exploration occurs and that listing the animals as endangered would likely damage the industry. Ms. Hughes went on to note that many companies are now signing voluntary agreements to help maintain and improve the habitat in areas where wells are located.

Mr. Henke and Mr. Fanning explained that the U.S. Fish and Wildlife Service will decide on the listing in December. They pointed out that a number of large wells are in the area that would likely be designated critical habitat and that listing the species as endangered would almost certainly force some of those wells to close.

Wolf Reintroduction Management

Lorna Ruebelmann, Great Old Broads for Wilderness, testified that reintroduction of wolves is critical to the area's ecosystem. She emphasized that the Great Old Broads for Wilderness is very much in favor of wolf reintroduction. Ms. Ruebelmann noted that the group went to the Department of Game and Fish to tell it about the group's stance on wolves, but that it seemed to the group as though the State Game Commission has already made up its mind on the issue.

Jean Osorio provided the committee with her personal perspective on wolves as a Las Cruces resident. She explained that she takes groups of women into wolf habitat where they sleep in tents in hopes of seeing wolves. Ms. Osorio noted that women between 75 years and 11 weeks old have spent time as part of her groups in wolf habitat, and that while they have encountered 41 wolves, none of the women were attacked or threatened by them.

Michael Robinson of the Center for Biological Diversity explained that wolves are one of the most imperiled mammals in the world. He also detailed how wolf reintroduction has improved the ecosystem in Yellowstone National Park. Mr. Robinson went on to note that despite continued persecution from the livestock industry, 60% of respondents to a poll favored wolf reintroduction.

Ty Bays, southwest vice president of the New Mexico Cattle Growers' Association, indicated that wolf reintroduction is a waste of taxpayer money. He also noted that since inbreeding in the wolf population forced researchers to introduce non-wolf genes into the gene pool, the species in question are not really wolves at all.

There being no further business, the committee adjourned at 12:05 p.m.